

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BAYOU CITY WATERKEEPER,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 4:18-CV-03369
v.	§	JUDGE ANDREW S. HANEN
	§	
CITY OF HOUSTON,	§	
	§	
Defendant.	§	

Plaintiff Bayou City Waterkeeper's Status Report

Bayou City Waterkeeper files this status report with the Court. Bayou City Waterkeeper does not dispute the procedural history as it was outlined in the City of Houston's (the "City") status report. (Doc 43 at 1-2). However, because the City's status report was styled to also include a request to extend the discovery stay, Bayou City Waterkeeper is filing its own status report to provide the Court with necessary context. Bayou City Waterkeeper reserves its right to file a separate response to the City's request to extend the discovery stay.¹

As the City said in its status report, the related lawsuit filed against the City of Houston by the United States of America and the State of Texas is now pending in Judge Eskridge's court. *See United States et al. v. City of Houston*, No. 4:18-CV-3368 (S.D. Tex.) ("EPA Action"). The motion filed in the EPA's Action to approve the Consent Decree has been fully briefed and the parties are awaiting Judge Eskridge's ruling. (*See* EPA Action, ECF Nos. 42-46).

On January 22, 2021, the Court in this case requested a status report from the parties. Counsel for Bayou City Waterkeeper conferred with counsel for the City and proposed filing one

¹ Although not styled as such, the City's request to extend the discovery stay is an opposed motion, subject to LR7 regarding civil pretrial motion practice.

joint status report. In response, counsel for the City expanded the proposal for a simple status report to include the motion to extend the discovery stay. Rather than agree to a joint status report or confer separately on the motion, counsel for the City filed the City's status report on January 27, 2021. (Doc. 43).

Counsel for Bayou City Waterkeeper invited the City's counsel to discuss the status of the cases by phone and, as the United States' enforcement action nears its conclusion, the potential for limited discovery. Bayou City Waterkeeper will attempt to meet and confer with the City in the coming days and prior to its 21-day response deadline. If it is necessary, Bayou City Waterkeeper will file a response to the City's motion to extend the discovery stay.

Date: January 27, 2021

Respectfully submitted,

By: /s/ David Frederick

David Frederick

Attorney-in-charge

Texas Bar No. 07412300

Eric Allmon, of counsel

Texas Bar No. 24031819

Lauren Ice, of counsel

Texas Bar No. 24092560

Frederick, Perales, Allmon & Rockwell, P.C.

1206 San Antonio St.

Austin, Texas 78701

Tel: 512-469-6000

Fax: 512-482-9346

dof@lf-lawfirm.com

eallmon@lf-lawfirm.com

lauren@lf-lawfirm.com

Attorneys for Bayou City Waterkeeper

Kristen Schlemmer, of counsel

Texas Bar No. 24075029

S.D. Tex. Bar No. 2078411
Bayou City Waterkeeper
2010 N. Loop West, Suite 103
Houston, TX 77018
Tel: 713-714-8442
kristen@bayoucitywaterkeeper.org
Attorney for Bayou City Waterkeeper

Certificate of Service

I certify that on January 27, 2021, I electronically filed this Plaintiff Bayou City Waterkeeper's Status Report using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ Lauren Ice
Lauren Ice
Attorney for Bayou City Waterkeeper